

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

OCEAN RIDGE CAPITAL ADVISORS, LLC, as  
Litigation Trustee of THE MAS LITIGATION TRUST,

Plaintiff,

-against-

METROPOLITAN LIFE INSURANCE COMPANY, THE  
NORTH WESTERN MUTUAL LIFE INSURANCE  
COMPANY, CAPITAL D'AMERIQUE CDPQ INC.,  
CAISSE DE DEPOT ET PLACEMENT DU QUEBEC,  
CSFB LP HOLDING. SKOOG FAMILY  
INVESTMENTS, LLC, BANCAMERICA CAPITAL  
INVESTORS II, L.P., WINDWARD/PARK AB III, L.L.C.,  
WINDWARD CAPITAL PARTNERS L.P., WINDWARD  
CAPITAL ASSOCIATES, L.P., SUEZ CAPITAL  
PARTNERS II, L.P., INDOSUEZ CAPITAL CO-INVEST  
PARTNERS, L.P., SCP II ASSOCIATES, CREDIT  
SUISSE FIRST BOSTON (USA), INC., CREDIT SUISSE  
FIRST BOSTON, GOLDMAN SACHS CREDIT  
PARTNERS L.P., JEFFREY A. ANDERSON, JON F.  
BAKER, JOSE R. GARCIA, ROBERT H. BARTON III,  
H.H. WACASER, PETER S. MACDONALD, GARY  
SWENSON, JOHN F. MAYPOLE, THOMAS GRAHAM,  
DONALD A. MCKAY, HENRY A. NICKOL, JEFFREY  
HODGMAN, A. KIPP KOESTER, CRAIG VAN ESS,  
GURMINDER S. BEDI, THOMAS WALKER, JACK  
SKOOG AND DEAN VANEK,

Defendants.

07 Civ. 3213 (SAS)

**NOTICE OF  
WITHDRAWAL  
OF MOTION**

PLEASE TAKE NOTICE that the Motion to Admit Livia M. Kiser Pro Hac Vice,  
entered 9/10/07 as Docket Entry Number 68 in the above captioned matter, is hereby withdrawn  
without prejudice.

Dated: September 10, 2007  
New York, New York

LATHAM & WATKINS LLP

By: /s/ Sheri E. Hametz  
Sheri E. Hametz (SH-4664)

885 Third Avenue, Suite 1000  
New York, New York 10022  
(212) 906-1200

*Attorneys for Defendants  
Skoog Family Investments, LLC,  
Craig Van Ess, and Jack Skoog*

OCEAN RIDGE CAPITAL ADVISORS, LLC, as  
Litigation Trustee of THE MAS LITIGATION TRUST,

Plaintiff,

-against-

METROPOLITAN LIFE INSURANCE COMPANY, THE  
NORTH WESTERN MUTUAL LIFE INSURANCE  
COMPANY, CAPITAL D'AMERIQUE CDPQ INC.,  
CAISSE DE DEPOT ET PLACEMENT DU QUEBEC,  
CSFB LP HOLDING. SKOOG FAMILY  
INVESTMENTS, LLC, BANCAMERICA CAPITAL  
INVESTORS II, L.P., WINDWARD/PARK AB III, L.L.C.,  
WINDWARD CAPITAL PARTNERS L.P., WINDWARD  
CAPITAL ASSOCIATES, L.P., SUEZ CAPITAL  
PARTNERS II, L.P., INDOSUEZ CAPITAL CO-INVEST  
PARTNERS, L.P., SCP II ASSOCIATES, CREDIT  
SUISSE FIRST BOSTON (USA), INC., CREDIT SUISSE  
FIRST BOSTON, GOLDMAN SACHS CREDIT  
PARTNERS L.P., JEFFREY A. ANDERSON, JON F.  
BAKER, JOSE R. GARCIA, ROBERT H. BARTON III,  
H.H. WACASER, PETER S. MACDONALD, GARY  
SWENSON, JOHN F. MAYPOLE, THOMAS GRAHAM,  
DONALD A. MCKAY, HENRY A. NICKOL, JEFFREY  
HODGMAN, A. KIPP KOESTER, CRAIG VAN ESS,  
GURMINDER S. BEDI, THOMAS WALKER, JACK  
SKOOG AND DEAN VANEK,


Defendants.

07 Civ. 3213 (SAS)

**CERTIFICATE OF  
SERVICE**

I, Jessica L. Bengels, hereby certify that on September 10, 2007, I caused true and correct copies of the Notice of Withdrawal of Motion, dated 9/10/07, to be served via U.S. Mail upon on all counsel listed on the attached service list.

LATHAM & WATKINS LLP

By:   
Jessica L. Bengels (JB-2290)

885 Third Avenue  
New York, NY 10022  
(212) 906-1200

Alan Halperin, Esq.  
Neal W. Cohen, Esq.  
Halperin & Associates  
555 Madison Avenue  
9th Floor  
New York, New York 10022  
(212) 765-9100  
*Attorneys for Plaintiff, Ocean Ridge Capital Advisors, LLC*

John D. Byars, Esq.  
James B. Heaton, III, Esq.  
Bartlitt Beck Herman Palenchar & Scott LLP  
54 West Hubbard  
Suite 300  
Chicago, IL 60610  
(312) 494-4400  
*Attorneys for Plaintiff, Ocean Ridge Capital Advisors, LLC*

Neal W. Cohen, Esq.  
Halperin, Battaglia, Raicht, LLP  
555 Madison Avenue, 9th Floor  
New York, New York 10022  
(212) 765-9100  
*Attorneys for Plaintiff, Ocean Ridge Capital Advisors, LLC*

Steven James Nachtwey, Esq.  
Bartlitt Beck Herman Palenchar & Scott LLP  
54 West Hubbard Street  
Suite 300  
Chicago, IL 60610  
(312) 494-4440  
*Attorneys for Plaintiff Ocean Ridge Capital Advisors, LLC*

Steven I. Levin, Esq.  
David J. Nathan, Esq.  
Rosemary B. Boller, Esq.  
Levin & Glasser, P.C.  
420 Lexington Avenue, Suite 805  
New York, New York 10170  
(212) 867-3636  
*Attorneys for Defendants, Windward/Park AB III, LLC; Windward Capital Partners, L.P.; Windward Capital Associates, L.P.*

John R. O'Keefe, Jr., Esq.  
Metz Lewis, LLC  
11 Stanwix Street  
18<sup>th</sup> Floor  
Pittsburgh, Pennsylvania 15222  
*Attorneys for H. H. Wacaser and Robert Barton*

Thomas J. Verticchio, Esq.  
Timothy G. Nickels, Esq.  
Swanson Martin & Bell LLP  
330 N. Wabash, Suite 3300  
Chicago, IL 60611  
(312) 923-8271  
*Attorneys for Defendant, Dean Vanek*

L. Donald Prutzman, Esq.  
George F. du Pont  
Tannenbaum Helpert Syracuse & Hirschtritt LLP  
900 Third Avenue  
New York, New York 10022  
(212) 508-6700  
*Attorneys for Defendant, Dean Vanek*

Jose R. Garcia  
5319 Willow Highway  
Grand Ledge, Michigan 48837

Andrew L. Morrison, Esq.  
Casey D. Laffey, Esq.  
Reed Smith LLP  
599 Lexington Avenue  
New York, New York 10022  
(212) 521-5400  
Mary Hackett, Esq.  
Reed Smith LLP  
435 Sixth Avenue  
Pittsburgh, PA 15219  
*Attorneys for Defendants BancAmerica Capital Investors II, LP; Suez Capital Partners, LP;  
Indosuez Capital Co-Invest Partners, LP; and SCP II Associates*

R. Paul Wickes, Esq.  
Paul Hessler, Esq.  
Martin S. Bloor  
Linklaters LLP  
1345 Avenue of the Americas  
New York, New York 10105  
(212) 903-9000  
*Attorneys for Defendants CSFB LP Holding; Credit Suisse First Boston; Goldman Sachs Credit  
Partners. L.P.*

David S. Versfelt, Esq.  
Joanne A. Diakos, Esq.  
Kirpatrick & Lockhart Preston Gates Ellis LLP  
599 Lexington Avenue  
New York, New York 10022  
(212) 536-3900

*Attorneys for Defendants Peter S. Macdonald, Gary L. Swenson, John F. Maypole, Thomas Graham, Henry A. Nichol*

Reid L. Ashinoff, Esq.  
Gary Meyerhoff Esq.  
Sonnenschein Nath & Rosenthal LLP  
1221 Avenue of the Americas  
New York, New York 10020

*Attorneys Metropolitan Life Insurance Company; The Northwestern Mutual Life Insurance Company*

Arthur H. Aufses III, Esq.  
Gary P. Naftalis, Esq.  
Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, NY 10036

*Attorneys for Peter S. MacDonald, Gary L. Swenson, John F. Maypole, Thomas Graham, Henry A. Nickol, Jeffrey Hodgman, Kipp Koester, Gurminder Bedi, Donald McKay, and Thomas Walker*

Thomas W. Cranmer, Esq.  
Abdu H. Murray, Esq.  
Miller, Canfield, Paddock & Stone, PLC  
840 West Long Lake Road  
Suite 200  
Troy, Michigan 48098  
*Attorneys for Jon H. Baker*

Yosef J. Riemer, Esq.  
Matthew A. Cantor, Esq.  
Matthew Solum, Esq.  
Ami Sheth, Esq.  
Kirkland & Ellis LLP  
153 E. 53<sup>rd</sup> Street  
New York, NY 10022

*Attorneys for Capital D'Amerique CDPQ Inc., Caisse De Depot et Placement Du Quebec*